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EXAMINER

HIRL, JOSEPH P

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/668,056

Applicant(s)

ADAMS ET AL.

Examiner

Joseph P. Hirl

Art Unit

2121

(10)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

### **DETAILED ACTION**

1. Claims 1-30 are pending in this application.
2. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

### ***Drawings***

3. The drawings are objected to because of the following:  
Fig. 3: To make the figure legible, remove the shading.  
Fig. 3: Item numbers 22, 24 and 26 reference the same element.  
These objections must be corrected.

### ***Specification***

4. Page 3, lines 21-22: All figures are to be individually listed with a brief description of the related substantive matter contained thereon.  
Page 5, line 5 and line 9: Internet 6 is not identified on Fig. 1.  
Page 7, line 22: Remove "be".  
Page 7, line 27: remove the first "a required".  
These objections must be corrected.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 3-13, 16, and 18-28, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not address "enforced sequence of tasks."

7. Claims 4, 10, 19, and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not address "required leaf tasks."

8. Claims 5, 11, 20, and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not address "non-required, leaf tasks."

10. Claims 6, 12, 21, and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter

Art Unit: 2121

which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not address "complete, non-leaf tasks."

11. Claims 7, 13, 22, and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not address "incomplete, non-leaf tasks."

***Claim Rejections - 35 USC § 101***

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claims 1-28 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. The practical application test requires that a useful, concrete and tangible result be accomplished. Claims 1-28 represent abstract methodology and therefore are intangible. The consequence is that utility is lacking.

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

15. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Lannert et al (U. S. 6,029,156, referred to as **Lannert**).

**Claims 1, 14, 29**

Lannert anticipates providing simulation software code (**Lannert**, col 11, lines 13-20); providing a dynamic data model comprising tasks and statements (**Lannert**, col 10, lines 60-67; col 11, lines 1-12); receiving a statement made by the learner (**Lannert**, col 11, lines 13-20); and generating a list of possible statements in response to the received statement for the learner to make from the statements contained within the dynamic data model based on at least one of: a. whether the current conversation has an enforced sequence of tasks, b. whether the current task allows the learner to move to a sibling task, c. whether the current conversation requires completion; d. whether the current task is a leaf task, e. whether the current task is a required task, or f. whether the task is complete (**Lannert**, col 11, lines 23-36; Examiner's Note (EN): Applies to each consideration).

**Claims 2, 17**

Lannert anticipates the dynamic data model is independent from the simulation software code (**Lannert**, Fig. 2).

**Claims 3-13, 16, 18-28**

EN: These claims all contain various terminology identified above that maybe unique to this application but has not been enabled in the specification and virtually makes it impossible to realistically establish the metes and bounds of such claims. However, in the spirit of expeditious prosecution, the Examiner has reviewed each claim and the following points in summary are appropriate:

- a. Lannert and Fig. 57 of Lannert apply to each of these claims.
- b. Lannert and Fig. 57 has transition conditions, candidate statements, current tasks, conversation, ancestors, enforced sequence of tasks, siblings, leaf tasks, required and incomplete considerations.
- c. Para 2 above applies. Among other interpretations, the Examiner has established the following perspective: Statements are options; conversation is subject matter; enforced sequence of tasks is protocol, algorithms, process etc.; sibling is same level; ancestor is level above; child is the level below; leaf task is nothing follows; required sets forth the next or following step; incomplete is in process. As an example, in the case of Claim 3, Lannert anticipates candidate statements of the current task when the conversation has an enforced sequence of tasks and the task allows the learner to move to a sibling task (**Lannert**, Fig 57; EN: candidate statements (Finance or Present Business Case); current task (Present Business Case); conversation (of a business nature); enforced sequence of tasks (001 – Intro – What is BDM – 000 BDM Child 1 – BDM Child 1); and siblings to move to (Target Pages- Target Groups).

Art Unit: 2121

**Claims 15, 30**

Lannert anticipates the step of determining whether the received statement completes a current task (**Lannert**, col 11, lines 23-36; EN: The purpose of Lannert' teachings is Goal Based Tutoring which would in consequence mean that at a time t, the received statement from the student would complete a current task. There would be nothing novel about such an effort.)

***Conclusion***

16. Claims 1-30 are rejected.

***Correspondence Information***

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Follansbee can be reached at (703) 305-8498.

Any response to this office action should be mailed to:



Art Unit: 2121

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7240 (for informal or draft communications with notation of  
"Proposed" or "Draft").

Hand-delivered responses should be brought to:

Receptionist, Crystal Park II

2121 Crystal Drive,

Arlington, Virginia.

Joseph P. Hir

May 29, 2003



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